

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

DRICKO DASHON HUSKEY,

Petitioner,

v.

Civil Action No. 5:23-CV-302
Judge Bailey

S. LOVETT,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that the Motion to Dismiss or in the Alternative, Motion for Summary Judgment be granted and the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 be denied and dismissed with prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S.

1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.¹

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 15] is **ADOPTED**, Respondent's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment [Doc. 8] is **GRANTED** and the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. 1] is **DENIED AND DISMISSED WITH PREJUDICE**. The Clerk is **DIRECTED TO STRIKE** the above-styled matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to send a copy to petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: February 14, 2024.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

¹ On January 23, 2024, this Court entered an Order [Doc. 17] directing the Clerk to send petitioner a copy of the R&R to USP Canaan because the delivery of the R&R was refused at USP Hazelton due to the fact that petitioner was no longer housed at USP Hazelton [Doc. 16]. Service of the R&R was accepted on January 27, 2024, at USP Canaan. See [Doc. 18].